

not can the USPTO show that it would be likely to have those uses. Therefore, Applicant respectfully traverses the election requirement and respectfully requests that the restriction requirement be reconsidered and withdrawn.

However, to be fully responsive to the USPTO requirements Applicant elects the Group I claims, namely claims 1, 2, 5-7, 10, 13, 19 and 20.

It is submitted that, if the restriction requirement is maintained the non-elected use claims should rejoined with the allowed composition claims as indicated by the decision in *In re Ochiai*, 73 F.3d 1565, 37 USPQ2d 127 (Fed. Cir. 1995).

It is respectfully submitted that this Response is fully responsive to the March 23, 2009 Office Action and, further that the elected claims are drawn to patentable subject matter and are allowable and an early issuance of a Notice of Allowance is respectfully solicited. Respectfully Submitted.



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March 30, 2009

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